

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

CIVIL ACTION NO.: 5:08-CV-00460-FL

CAROLINA POWER & LIGHT)
COMPANY d/b/a PROGRESS)
ENERGY CAROLINAS, INC.,)
)
Plaintiff,)
)
v.)
)
3M COMPANY, ET AL.,)
)
Defendants.)

CIVIL ACTION NO.: 5:08-CV-00463-FL

CONSOLIDATION COAL COMPANY,)
)
Plaintiff,)
)
v.)
)
3M COMPANY, ET AL.,)
)
Defendants.)

NOTICE OF APPEARANCE

Pursuant to Civil L.R. 83.1(d), Benjamin F. Sidbury and Anthony B. Taylor, the undersigned attorneys, hereby appear as attorneys of record on behalf of North Georgia Electric Membership Corporation (“North Georgia EMC”) in the above-captioned matters, and inform the Court that they are members in good standing of this Court.

Pursuant to Civil L.R. 83.1(e), Robert D. Mowrey, Kristin Holloway Jones, Charles S. Conerly, and Henry C. Tharpe, Jr., the undersigned out-of-state attorneys, likewise hereby appear as attorneys of record for North Georgia EMC and inform the Court that they are members in

good standing of the United States District Court for the Northern District of Georgia and the Supreme Court of Georgia.

Counsel request that any and all further pleadings or notices affecting the rights of the aforementioned parties, except original process, be served upon the undersigned via the contact information provided below.

Respectfully submitted this 9th day of September, 2009.

s/ Benjamin F. Sidbury

Benjamin F. Sidbury (N.C. Bar No. 28071)

ben.sidbury@alston.com

L.R. 83.1(d) Counsel

s/ Anthony B. Taylor

Anthony B. Taylor (N.C. Bar No. 37220)

tony.taylor@alston.com

L.R. 83.1(d) Counsel

Alston & Bird LLP

Bank of America Plaza, Suite 4000

101 South Tryon Street

Charlotte, NC 28280

Telephone: 704.444.1000

Facsimile: 704.444.1111

s/ Robert D. Mowrey

Robert D. Mowrey (GA Bar No. 527510)

bob.mowrey@alston.com

L.R. 83.1(e) Counsel

s/ Kristin Holloway Jones

Kristin Holloway Jones (GA Bar No. 041154)

kristin.jones@alston.com

L.R. 83.1(e) Counsel

One Atlantic Center

1201 West Peachtree Street

Atlanta, GA 30309-3424

Telephone: 404.881.7000

Facsimile: 404.881.7777

s/ Charles S. Conerly
Charles S. Conerly (GA Bar No. 180720)
cconerly@smithdiment.com
LR 83.1(e) Counsel
Smith Diment Conerly, LLP
402 Newnan Street
Carrollton, Georgia 30117
Telephone: 770. 834.1160
Facsimile: 770.834.1190

s/ Henry C. Tharpe, Jr.
Henry C. Tharpe, Jr. (GA Bar No. 703250)
hctharpe@sponclerandtharpe.com
LR 83.1(e) Counsel
Sponcler & Tharpe, LLC
P O Box 398
225 W. King St.
Dalton, Ga. 30722-0398
Telephone: 706.278.5211
Facsimile: 706.270.9438

Attorneys for Defendant North Georgia Electric
Membership Corporation

CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2009, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Caroline N. Belk
cbelk@smithlaw.com
Christopher G. Smith
csmith@smithlaw.com
Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan
P.O. Box 2611
2500 Wachovia Capitol Center
Raleigh, NC 27602-2611
**COUNSEL FOR PLAINTIFF
CAROLINA POWER & LIGHT
COMPANY**

Daniel M. Darragh
ddarragh@cohenlaw.com
Cohen & Grigsby, P.C.
625 Liberty Avenue
Pittsburgh, PA 15222-3152
**COUNSEL FOR CONSOLIDATION
COAL COMPANY**

Joel L Herz
joel@joelherz.com
Law Offices of Joel L. Herz
3573 E. Sunrise Dr., Suite 215
Tucson, AZ 85718
**COUNSEL FOR N.L. INDUSTRIES,
INC.**

Curtis L. Bentz
cbentz@bwsnw.com
Battle, Winslow, Scott & Wiley, PA
P. O. Box 7100
Rocky Mount, NC 27804
COUNSEL FOR CHRISTUS HEALTH

William W. Pollock
wpollock@cshlaw.com
Cranfill Sumner & Hartzog, LLP
P. O. Box 27808
Raleigh, NC 27611-7808
**LOCAL COUNSEL FOR
CONSOLIDATION COAL COMPANY**

Paul I. Klein
pattiwoodall@kleinfreeman.com
Klein & Freeman, PLLC
4521 Sharon Road, Suite 150
Charlotte , NC 28211
**LOCAL COUNSEL FOR N.L.
INDUSTRIES, INC.**

Ronald E. Cardwell
rcardwell@mcnair.net
McNair Law Firm, P.A.
101 North Main St., Suite 900
Greenville, SC 29601
**COUNSEL FOR FURMAN
UNIVERSITY; INTERTAPE
POLYMER GROUP, INC.**

Jane E. Fedder
jane.fedder@huschblackwell.com
Joseph G. Nassif
joseph.nassif@huschblackwell.com
Husch Blackwell Sanders, LLP
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105
**COUNSEL FOR ATLANTIC CITY
ELECTRIC COMPANY; BLUE RIDGE
ELECTRIC COOPERATIVE, INC.;
BROAD RIVER ELECTRIC
COOPERATIVE, INC.; CONSUMERS
ENERGY COMPANY; DELMARVA
POWER & LIGHT COMPANY; DIXON
LUMBER COMPANY, INC.;
ELECTRIC CONTROL EQUIPMENT
CO.; GENERAL ELECTRIC
COMPANY; GLADIEUX TRADING &
MARKETING CO., LP, AND/OR
LIMITED CORPORATION; LWB
REFRACTORIES COMPANY;
OCCIDENTAL CHEMICAL
CORPORATION; PHARMACIA
CORPORATION; POTOMAC
ELECTRIC POWER COMPANY;
SONOCO PRODUCTS COMPANY; T
AND R ELECTRIC SUPPLY CO., INC.;
TRI-STATE ARMATURE &
ELECTRICAL WORKS, INC.; ST.
JOSEPH MEDICAL CENTER, INC.**

Jacob Holmes Wellman
jwellman@tcdg.com
Teague, Campbell, Dennis & Gorham,
LLP
P. O. Box 19207
Raleigh , NC 27619-9207
**COUNSEL FOR ROYAL STREET
JUNK COMPANY, INC.**

John S. Slosson
jack.slosson@nelsonmullins.com
Julia S. Bright
julia.bright@nelsonmullins.com
Nelson Mullins Riley & Scarborough, LLP
100 North Tryon Street, Bank of America
Corporate Ctr., Suite 4200
Charlotte, NC 28202-4007
**LOCAL COUNSEL FOR ATLANTIC
CITY ELECTRIC COMPANY; BLUE RIDGE
ELECTRIC COOPERATIVE, INC.;
BROAD RIVER ELECTRIC
COOPERATIVE, INC.; DELMARVA
POWER & LIGHT COMPANY;
DIXON LUMBER COMPANY, INC.;
ELECTRIC CONTROL EQUIPMENT
CO.; GENERAL ELECTRIC
COMPANY; GLADIEUX TRADING &
MARKETING CO., LP, AND/OR
LIMITED CORPORATION; LWB
REFRACTORIES COMPANY;
OCCIDENTAL CHEMICAL
CORPORATION; PHARMACIA
CORPORATION; POTOMAC
ELECTRIC POWER COMPANY;
SONOCO PRODUCTS COMPANY; T
AND R ELECTRIC SUPPLY CO.,
INC.; TRI-STATE ARMATURE &
ELECTRICAL WORKS, INC.**

**COUNSEL FOR CARGILL,
INCORPORATED; DANNY
CORPORATION; FLORIDA POWER
& LIGHT COMPANY; GKN
DRIVELINE NORTH AMERICA,
INC.; GLENWOOD REGIONAL**

**MEDICAL CENTER; SOUTHLAND
ELECTRICAL SUPPLY, INC.;
UNIMIN CORPORATION; and
UNITED TECHNOLOGIES
CORPORATION, PRATT &
WHITNEY DIVISION**

Scott C. Hart
shart@nclawyers.com
Sumrell, Sugg, Carmichael, Hicks & Hart
PO Box 889
New Bern , NC 28563
**COUNSEL FOR WEYERHAEUSER
COMPANY**

Kurt J. Olson
kurt.j.olson@gmail.com
Law Office of Kurt J. Olson, PLLC
3737 Glenwood Ave., Suite 100
Raleigh, NC 27612
**COUNSEL FOR AMERICAN SKIING
COMPANY; APPALACHIAN POWER
COMPANY; ARKEMA, INC.; BASF
CORPORATION; BAYER
CROPSCIENCE, INC.; CHEMICAL
PRODUCTS CORPORATION;
COOPER TIRE & RUBBER
COMPANY; CSX RESIDUAL
COMPANY; DUQUESNE LIGHT
COMPANY; ENVIRONMENTAL
PROTECTION SERVICES, INC.;
FOREMOST ELECTRIC &
TRANSMISSION, INC.; GENERAL
EXTRUSIONS, INC.; HAINES AND
KIBBLEHOUSE, INC.;
INTERNATIONAL PAPER
COMPANY; KINGSPORT POWER
COMPANY; MIDAMERICAN
ENERGY COMPANY; NORFOLK
SOUTHERN RAILWAY COMPANY;
SARA LEE CORPORATION; SOUTH
CENTRAL POWER COMPANY;
SUMTER ELECTRIC COOPERATIVE,
INC.; SUNBELT TRANSFORMER,**

John Watson Bowers
JBowers@horacktalley.com
Horack Talley Pharr & Lowndes, P.A.
301 S. College St., 2600 One Wachovia
Center
Charlotte , NC 28202-6038
**COUNSEL FOR 3M COMPANY; and
KRAFT FOODS GLOBAL, INC.**

R. Steven DeGeorge
sdegeorge@rbh.com
Robinson, Bradshaw & Hinson, P.A.
101 N. Tryon St.
Suite 1900, Independence Ctr.
Charlotte, NC 28246-1900
**COUNSEL FOR BRUCE-MERRILEES
ELECTRIC COMPANY;
CONOCOPHILLIPS COMPANY;
MONONGAHELA POWER
COMPANY; and WEST PENN
POWER COMPANY**

LTD.;

Norman W. Shearin, Jr.
nshearin@vanblk.com
Vandeventer Black
P.O. Box 1042
Kitty Hawk, NC 27949
**COUNSEL FOR CAPE HATTERAS
ELECTRIC MEMBERSHIP
CORPORATION d/b/a
CAPE HATTERAS ELECTRIC
COOPERATIVE**

Michael John Byrne
bynem@mvalaw.com
David E. Fox
foxd@mvalaw.com
William A. White
billwhite@mvalaw.com
Moore & Van Allen
P. O. Box 13706
Research Triangle Park, NC 27709
**COUNSEL FOR COGENTRIX
ENERGY, LLC; MARTIN MARIETTA
MATERIALS, INC.; NORTH
CAROLINA STATE UNIVERSITY;
NUCOR CORPORATION; and
UNIVERSITY OF NORTH CAROLINA
AT CHAPEL HILL**

Nikole Setzler Mergo
nmergo@nexsenpruet.com
Nexsen Pruet, LLC
1230 Main St., Suite 700
Columbia , SC 29201
**COUNSEL FOR HOLCIM, INC.; IES
COMMERCIAL, INC., and/or
INTEGRATED ELECTRICAL
SERVICES, INC.**

Brian J. Schoolman
bschoolman@safranlaw.com
Safran Law Offices
P. O. Box 587
Raleigh, NC 27602-0587
**COUNSEL FOR CLEVELAND
ELECTRIC COMPANY**

Stanley B. Green
sgreen@wCSR.com
Womble Carlyle Sandridge & Rice, PLLC
One West Fourth St.
Winston-Salem, NC 27101
**COUNSEL FOR DUKE ENERGY
CAROLINAS, LLC**

Robert S. Adden, Jr.
Radden@rbcbw.com
Ruff, Bond, Cobb, Wade & Bethune,
L.L.P.
The Addison Bldg., 831 E. Morehead St.
Suite 860
Charlotte, NC 28202
**COUNSEL FOR PACTIV
CORPORATION**

D. Kyle Deak
kyle.deak@troutmansanders.com
Troutman Sanders, LLP
P. O. Box 1389
Raleigh , NC 27602-1389
**COUNSEL FOR VIRGINIA ELECTRIC
AND POWER COMPANY (VEPCO)**

Bradley M. Risinger
brad.risinger@smithmoorelaw.com
Smith Moore LLP
P. O. Box 27525
Raleigh, NC 27611
**COUNSEL FOR APOGEE COAL
COMPANY, LLC; LOCKWOOD'S
ELECTRIC MOTOR SERVICE**

Cynthia M. Currin
ccurrin@cpclaw.com
Crisp, Page & Currin, LLP
4010 Barrett Dr., Suite 205
Raleigh, NC 27609
**COUNSEL FOR BEDFORD RURAL
ELECTRIC COOPERATIVE INC.**

Susan H. Briggs
sbriggs@dmclaw.com
Dickie, McCamey & Chilcote, PC
2115 Rexford Rd., Suite 210
Charlotte, NC 28211
**COUNSEL FOR CARLISLE SYNTEC
INCORPORATED**

Gavin Bryce Parsons
gavin.parsons@troutmansanders.com
Troutman Sanders LLP
434 Fayetteville Street

Bradford A. De Vore
bdevore@wCSR.com
Womble Carlyle Sandridge & Rice, PLLC
One Wachovia Center, 301 South College
St.
Suite 3500
Charlotte , NC 28202-6037
**COUNSEL FOR VULCAN
CONSTRUCTION MATERIALS,
LIMITED PARTNERSHIP**

Catherine W. Cralle-Jones
cathy@attybryanbrice.com
Law Offices of F. Bryan Brice, Jr.
19 W. Hargett St., Suite 600
Raleigh, NC 27601
**COUNSEL FOR BALTIMORE GAS &
ELECTRIC COMPANY**

Marcus A. Manos
mmanos@nexsenpruet.com
Nexsen Pruet, LLC
1441 Main Street, Suite 1500
Columbia, SC 29202
**COUNSEL FOR BEDFORD RURAL
ELECTRIC COOPERATIVE INC.;
GREENWOOD MILLS, INC.;
WARREN ELECTRIC
COOPERATIVE, INC.; PALMETTO
ELECTRIC COOPERATIVE, INC.;
SANTEE ELECTRIC
COOPERATIVE, INC.**

William H. Gifford , Jr.
bill@martingiffordlaw.com
Martin & Gifford, PLLC
301 North Main St., Suite 2200
Winston-Salem, NC 27101
**COUNSEL FOR G & S MOTOR
EQUIPMENT CO., INC.**

Todd S. Roessler
troessler@kilpatrickstockton.com
Kilpatrick Stockton, LLP
3737 Glenwood Ave.

Two Hannover Square, Suite 1900
Raleigh , NC 27601
**COUNSEL FOR GEORGIA POWER
COMPANY**

Julia G. Mimms
jgassistant@bellsouth.net
Law Office of Julia G. Mimms
1001 Elizabeth Ave., Suite 1A
Charlotte, NC 28204
**COUNSEL FOR GUERNSEY-
MUSKINGUM ELECTRIC
COOPERATIVE INC.**

E. Hardy Lewis
hlewis@bmlslaw.com
Blanchard, Miller, Lewis & Styers, P.A.
1117 Hillsborough St.
Raleigh, NC 27603
**COUNSEL FOR CARR AND DUFF,
INC.**

David S. Coats
dcoats@bdixon.com
Bailey & Dixon
P. O. Box 1351
Raleigh, NC 27602
**COUNSEL FOR EAST KENTUCKY
POWER COOPERATIVE, INC.**

Steven K. McCallister
smccallister@shanahanlawgroup.com
Shanahan Law Group
128 E. Hargett St., Third Floor

Suite 400
Raleigh, NC 27612
**COUNSEL FOR BASSETT
FURNITURE INDUSTRIES, INC.**

Mary Maclean D Asbill
mmasbill@gmail.com
Mary Maclean D. Asbill, Attorney at Law
2818 Exeter Circle
Raleigh , NC 27608
**COUNSEL FOR DOMTAR PAPER
COMPANY, LLC**

Andrew H. Erteschik
aerteschik@poynerspruill.com
Keith Harrison Johnson
kjohnson@poynerspruill.com
Poyner Spruill LLP
P. O. Box 1801
Raleigh, NC 27602-1801
**COUNSEL FOR CENTRAL
REGIONAL HOSPITAL f/k/a
DOROTHEA DIX HOSPITAL;
CHERRY HOSPITAL; TOWN OF
LOUISBURG, NORTH CAROLINA;
CITY OF MONROE, NORTH
CAROLINA; O'BERRY NEURO-
MEDICAL CENTER**

Rodney E. Alexander
ralexander@mayerbrown.com
Mayer Brown LLP
214 N. Tryon St., Suite 3800
Charlotte, NC 28202
**COUNSEL FOR FRONTIER
COMMUNICATIONS
CORPORATION
f/k/a CITIZENS COMMUNICATIONS
COMPANY**

Amos C. Dawson , III
adawson@williamsmullen.com
Williams Mullen
3200 Beechleaf Court

Raleigh, NC 27601
**COUNSEL FOR GREEN CIRCLE
GROWERS, INC.**

Grady L. Shields
gshields@wyrick.com
Wyrick Robbins Yates Ponton, LLP
P. O. Box 13101
Raleigh, NC 27619
**COUNSEL FOR KOCH INDUSTRIES,
INC.**

Joel A. Kramer
jkramer@wsscwater.com
Washington Suburban Sanitary
Commission
14501 Sweitzer Lane
Laurel, MD 20707
**COUNSEL FOR WASHINGTON
SUBURBAN SANITARY
COMMISSION**

Peter T. Stinson
pstinson@dmclaw.com
Dickie, McCamey & Chilcote, P.C.
Two PPG Place, Suite 400
Pittsburgh, PA 15222
**COUNSEL FOR PPG INDUSTRIES,
INC.**

Highwoods Tower One, Suite 500
Raleigh, NC 27604-1064
**COUNSEL FOR INTERNATIONAL
POWER MACHINERY COMPANY**

Sara Wyche Higgins
sally@thehigginslawfirm.com
Higgins Law Firm, PLLC
5950 Fairview Rd., Suite 600
Charlotte, NC 28210
**COUNSEL FOR NIAGARA
MOHAWK POWER CORPORATION;
PPL ELECTRIC UTILITIES
CORPORATION
f/k/a PENNSYLVANIA POWER &
LIGHT CO.**

J. Donald Cowan , Jr.
don.cowan@elliswinters.com
Ellis & Winters LLP
333 N. Greene St., Suite 200
Greensboro, NC 27401
**COUNSEL FOR PCS PHOSPHATE
COMPANY, INC.**

s/ Benjamin F. Sidbury
Benjamin F. Sidbury